

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



DOCKET

00-AFC-1C

DATE May 02 2007

RECD. May 08 2007

DATE: May 2, 2007

TO: Interested Parties

FROM: Christopher Meyer, Compliance Project Manager

**SUBJECT: Gateway Generating Station (formerly Contra Costa Power Plant Unit 8) (00-AFC-1C)
Staff Analysis of the Proposed Change in Construction Work Hours**

The 530-megawatt project was certified by the Energy Commission on May 30, 2001. Construction of the facility started late in 2001 and was suspended in February of 2002 due to financial difficulties, with approximately seven percent of construction completed. On July 19, 2006, the Energy Commission approved the addition of Pacific Gas and Electric (PG&E) as co-owner of the project with Mirant Delta, LLC. On January 3, 2007, the Energy Commission approved PG&E's petition to remove Mirant as a co-owner and change the name of the facility to the Gateway Generating Station. PG&E restarted construction in February of 2007 and project construction is currently ten percent completed. The facility is located on Wilbur Avenue, east of the city of Antioch, in Contra Costa County.

On April 11, 2007, (PG&E) filed a petition with the Energy Commission requesting to amend the Energy Commission Decision to change construction work hours for the Gateway Generating Station project (formerly known as Contra Costa Power Plant Unit 8).

The proposed modification to Condition of Certification Noise-8 is shown below. New text is shown in underline, while deleted text is shown in strike-out.

NOISE-8 Heavy equipment operation and noisy construction work shall be restricted to the times of day delineated below:

Weekdays Monday through Saturday	7 <u>6</u> a.m. to 6 <u>7</u> p.m.
Weekdays 8 a.m. to 5 p.m.	
Weekends <u>Sundays</u> and Holidays	9 a.m. to 5 p.m.
<u>Pile Driving and</u> <u>Steam Blows</u>	9 a.m. to 5 p.m.

~~4 – For construction activities within 300 feet of the Sportsmen Yacht Club and San Joaquin Yacht Harbor Residences~~

Energy Commission staff reviewed the petition to assess the impacts of this proposal on environmental quality and public health and safety, and determined that the changes to NOISE-8 are minimal and that no other technical areas are impacted by the changes proposed in the petition. The Noise technical staff reviewed the potential impacts of the proposed change, which are discussed in the attached staff analysis. The review included an evaluation of the consistency of the proposed modifications with the Energy Commission's Decision and whether the project will remain in compliance with applicable laws, ordinances, regulations, and standards (LORS) (*Title 20, California Code of Regulations, section 1769*).

Noise-8 Staff Analysis
May 8, 2007

The petition to amend the project is available on the Energy Commission's webpage at www.energy.ca.gov/sitingcases/contracosta/compliance/index.html. Staff's analysis is enclosed for your information and review. Staff's analysis and the Energy Commission's Order (if approved) will also be posted on the webpage. Energy Commission staff intends to recommend approval of the petition at the May 23, 2007, Business Meeting of the Energy Commission. If you have comments on this proposed modification, please submit them to me at the following address no later than 5:00 P.M., May 21, 2007:

Christopher Meyer, Compliance Project Manager
California Energy Commission
1516 9th Street, MS-2000
Sacramento, CA 95814

Comments may be submitted by fax to (916) 654-3882, or by e-mail to cmeyer@energy.state.ca.us. If you have any questions, please contact me at (916) 653-1639.

For further information on how to participate in this proceeding, please contact the Energy Commission's Public Adviser's Office at (916) 654-4489, or toll free in California at (800) 822-6228, or by e-mail at pao@energy.state.ca.us. If you require special accommodations, please contact Lourdes Quiroz at (916) 654-5146. News media inquiries should be directed to Assistant Director, Claudia Chandler, at (916) 654-4989, or by e-mail at mediaoffice@energy.state.ca.us.

Enclosures:

- Staff Analysis

**Gateway Generating Station (00-AFC-1)
Petition to Amend NOISE-8
Noise and Vibration Analysis
Steve Baker April 2007**

DOCKET

00-AFC-1C

DATE Apr 01 2007

RECD. May 08 2007

REQUEST

Pacific Gas and Electric Company (PG&E) has petitioned to modify the hours during which power plant construction may occur. Specifically, PG&E requests that construction be allowed to take place during extended hours of the morning and evening.

BACKGROUND

On May 30, 2001, the Energy Commission approved Mirant's Application for Certification for the Contra Costa Power Plant Unit 8 project (00-AFC-1). Mirant commenced to construct the project, then halted work for commercial reasons. Subsequently, PG&E purchased the project from Mirant, and resumed construction of the now renamed Gateway Generating Station on February 2, 2007.

PG&E hopes to complete construction and have the plant online in early 2009. In order to meet this date, PG&E must make up lost time. Extended construction work hours will be necessary to make up this time. Construction work hours are currently limited by Condition of Certification **NOISE-8** in order to protect nearby residents from excessive noise impacts.

LAWS, ORDINANCES, REGULATIONS AND STANDARDS (LORS)

The Contra Costa County General Plan Noise Element is the applicable LORS. (Sections 5-17.04 and 5-17.05 of the City of Antioch Code of Ordinances were considered in the noise portion of staff's Final Staff Analysis (March 2001, pp. 231-265), but are not legally applicable because the project lies in an unincorporated area of Contra Costa County.) The Noise Element does not specify construction noise limits, but sets a goal of 70 dBA CNEL for residential uses and 80 dBA CNEL for industrial uses.

ANALYSIS

The Energy Commission Decision for Gateway project includes Condition of Certification **NOISE-8**, which limits the hours of the day and week during which noisy construction work may be performed. The staff analysis of construction noise (Final Staff Assessment, pp. 239-243) estimated that construction noise could reach levels of 68 to 73 dBA at the nearest residences, the Sportsmen Yacht Club and the San Joaquin Yacht Harbor, and levels of 47 to 52 dBA at the residential neighborhoods to the south and southwest of the project site. All these levels comply with the applicable LORS, which limits noise to 80 dBA CNEL (roughly equivalent to 74 dBA L_{eq}).

In order to minimize disturbance of nearby residents, staff proposed Condition of Certification **NOISE-8**, which limits noisy construction work to the hours between 7 a.m. and 6 p.m. weekdays, and 9 a.m. and 5 p.m. weekends and holidays. Further, noisy work within 300 feet of the few residences at the Yacht Club and Yacht Harbor was restricted to the hours between 8 a.m. and 5 p.m. on weekdays, and prohibited on weekends. The Energy Commission adopted this condition into its decision.

Construction noise impacts on the residential neighborhoods to the south and southwest of the project site, which lie at distances of 4,000 to 4,500 feet (3/4 to 7/8 mile), should not be annoying. As discussed in the Final Staff Assessment, ambient noise levels at these residences range from 45 to 50 dBA L₉₀. Construction noise at these locations is estimated at 51 to 52 dBA. The resulting increases of three to six dBA due to construction noise should range from barely noticeable to less than annoying. Staff believes that allowing construction work to extend into the hours proposed by PG&E will not cause significant annoyance at these residences. Further mitigating any impacts is the temporary nature of the construction work.

While construction noise during these extended hours could prove annoying to the few residents at the Yacht Club and Yacht Harbor, staff believes that such problems could be best handled on an individual basis. Condition of Certification **NOISE-2** requires PG&E to implement a noise complaint resolution process. Should construction noise cause significant annoyance to residents at the Yacht Club or Yacht Harbor, PG&E would be required to work with the Energy Commission Compliance Project Manager (CPM) to mitigate the problems. This could include temporary relocation of residents to a motel during especially noisy work.

MITIGATION MEASURES AND CONDITIONS

Mitigation at the residences to the south and southwest should not be necessary. As described above, should the residents at the Yacht Club or Yacht Harbor complain of construction noise impacts, PG&E will be required to respond with mitigation acceptable to the CPM.

The proposed modifications to Condition of Certification **NOISE-8** are (added text underlined, deleted text in strikethrough):

NOISE-8 Heavy equipment operation and noise construction work shall be restricted to the times of day delineated below:

Weekdays <u>Monday through Saturday</u>	7 a.m. to 6 p.m. <u>6 a.m. to 7 p.m.</u>
Weekdays ⁴	<u>8 a.m. to 5 p.m.</u>
Weekends <u>Sundays and Holidays</u>	9 a.m. to 5 p.m.
<u>Pile Driving and Steam Blows</u>	9 a.m. to 5 p.m.

⁴ ~~For construction activities within 300 feet of the Sportsman Yacht Club and San Joaquin Yacht Harbor Residences~~

CONCLUSIONS

The requested modification will allow PG&E to expedite construction of the Gateway Generating Station to recover lost time and meet the required online date. This modification will not violate LORS, and should not cause unmitigated significant adverse noise impacts on nearby residential receptors. Staff recommends that the above requested changes to Condition of Certification **NOISE-8** be adopted. This recommendation is based on the following:

1. I have analyzed the situation from the standpoint of Noise and Vibration, and conclude there will be no new or additional significant environmental impacts associated with this action.
2. I conclude that the amendment is based on new information that was not available during the siting proceedings.
3. I conclude that the proposed modification retains the intent of the original Commission Decision and Conditions of Certification.